

AGENDA MEMO

TO: Mayor & City Commission

AGENDA DATE: 12/13/2010

FROM: Faith G. Miller, City Manager

AGENDA ITEM: 10 - B

SUBJECT: Consideration of request from Deutsche Bank for reduction of fine from \$10,000.00 assessed for each case pursuant to Special Magistrate Case DEL-09-069, DEL-09-070 and DEL-09-071 for a total of \$30,000.00.

LOCATION:

This property is located at 2581 E. Dorchester Drive, Deltona, Florida. The Parcel No. is 30-18-31-32-34-0200.

BACKGROUND:

An order Imposing Fine/Lien was entered on April 22, 2009, by the City of Deltona Special Magistrate, ordering Kenneth and Deshika Mitcheel to pay to the City of Deltona a fine in the amount of fifty dollars (\$50.00) per day beginning April 22, 2009, for each and every day the violations exist and continue to exist or until a maximum amount of \$10,000.00 is reached on all three cases. The violation occurred when the respondent failed to replace or repair a garage door, clean the debris and repair a fence located on the property at 2581 E. Dorchester Drive. The respondent failed to come into compliance and the total accumulated amount due is \$10,000.00 per case for a total of \$30,000.00. The home was foreclosed and Deutsche Bank was issued a Certificate of Title in June 2010. On November 23, 2010, the respondent's representative, Attorney Maridith Abriss, appeared before the Special Magistrate to request a recommendation to reduce the fine.

**ORIGINATING
DEPARTMENT:**

Enforcement Services

SOURCE OF FUNDS:

N/A

COST:

N/A

REVIEWED BY:

Legal Department

**STAFF
RECOMMENDATION
PRESENTED BY:**

Dale Baker, Enforcement Services Director - On November

**POTENTIAL
MOTION:**

23, 2010, the Special Magistrate, Charles J. Cino, issued a recommendation to reduce the fine to \$0.00.

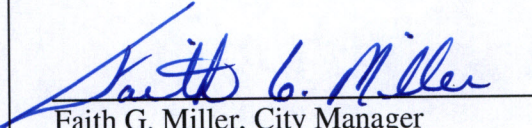
Enforcement Services Staff forwards the Special Magistrate's recommendation.

"I move that the City Commission grant the request of Deutsche Bank for a reduction of the fine concerning Case No. DEL-09-069, DEL-09-070 and DEL-09-071 for the property located at 2581 E. Dorchester Drive, Deltona, Florida, to the sum of \$0.00.

OR

"I move that the City Commission grant the request of Deutsche Bank for a reduction of the fine concerning Case No. DEL-09-069, DEL-09-070 and DEL-09-071 for the property located at 2581 E. Dorchester Drive, Deltona, Florida to _____ to be paid within 30 days (January 13, 2011) or the fine(s) revert(s) back to the original amount."

**AGENDA ITEM
APPROVED BY:**


Faith G. Miller, City Manager

ATTACHMENTS:

- Background Information

Background information for request in reduction in fines for Case DEL-09-069, DEL-09-070 & Del-09-071:

Kenneth & Deshika Mitcheel
2581 E. Dorchester Dr.
Deltona, FL 32738

Property Address: 2581 E. Dorchester Dr., Deltona, Florida

Request for Reduction of Monies Owed. Total amount owed for an accumulation of debris, fence and garage door in disrepair is \$30,000.00.

1. March 25, 2009 All three cases went before the Special Magistrate. The Special Magistrate found the owner in non-compliance, and gave them until the next hearing to bring the property into compliance.
2. April 22, 2009 Special Magistrate found all three cases still in non-compliance and issued a fine of \$50.00 a day, effective April 22, 2009 and to continue until the property is in compliance or a cap of \$10,000.00 is met on all three cases.
3. June 2010 Deutsche Bank assumed the property and is now the owner.
4. September 13, 2010 The Bank brought the property into compliance by obtaining a permit for and replacing the garage door, cleaning the debris and removing the fence. An affidavit of compliance was prepared on all three cases.
5. November 8, 2010 The Gilbert Garcia Group, PA who represents Deutsche Bank requested to go before the Special Magistrate to request a reduction in fines.
6. November 23, 2010 Attorney Maridith Abriss who represented the Gilbert Garcia Group appeared before the Special Magistrate and requested a recommendation for a reduction of fines. Deutsche Bank is the current owner and has been responsible for bring the property into compliance. A recommendation was made for a reduction of fines to \$0.00 by the Special Magistrate.

NOTE: Mr. Cino based his recommendation on the fact that the bank was not at fault and had no control over the property until June 2010. They brought the property into compliance shortly after assuming responsibility for the property.